

05/30/00  
1c711 U.S. PTO

06-01-00

CERTIFICATE OF EXPRESS MAIL

NUMBER EL 548524796 US

DATE OF DEPOSIT May 30, 2000

1c586 U.S. PTO  
09/584162  
05/30/00

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Atty. Dkt. No.: KINS:002USC2**

**Prior Application Examiner:**  
**Bali, V.**

**Classification Designation:**

**BOX PATENT APPLICATION**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**Prior Group Art Unit: 2723**

**REQUEST FOR FILING CONTINUATION APPLICATION**  
**UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 08/940,553 filed January 31, 2000, entitled "POINTING DEVICE WITH BIOMETRIC SENSOR" which is a continued prosecution application (CPA) of U.S. Patent Application Serial No. 08/940,553 filed on September 30, 1997 (abandoned) and having the same title.

- ☒ 1. Enclosed is a copy of the prior application Serial No. 08/940,553 as originally filed, including specification, claims, drawings, power of attorney and declarations. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 08/940,553.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number , filed in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No.

☒ 2. Enclosed is a check in the amount of \$789.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 8 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$345.00
Total Claims	52 - 20 =	32 X	\$9.00 =	\$288.00
Independent Claims	7 - 3 =	4 X	\$39.00 =	\$156.00
Multiple Dependent Claim(s) -----				\$0.00
<b>TOTAL FILING FEES:</b>				<b>\$789.00</b>

- ☒ 3. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski Deposit Account No. 50-1212/KINS:002:USC2/BAM.
- ☒ 5. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 6. Address all future communications to:
- Michael C. Barrett  
FULBRIGHT & JAWORSKI  
600 Congress Avenue, Suite 1900  
Austin, Texas 78701  
(512) 418-3000
- ☐ 7. The prior application is presently assigned to \_\_\_\_\_.

☒ 8. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

☐ 9. Cancel in this application claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained).

☐ 10. Amend the specification by inserting before the first line the sentence: --The present application is a continuation of co-pending U.S. Application Serial No. 08/940,553 filed September 30, 1997--.

☐ 11. Enclosed are formal drawings.

☐ 12. An Information Disclosure Statement (IDS) is enclosed.

☐ (a) PTO-1449.

☐ (b) Copies of IDS citations.

☐ 13. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. \_\_\_\_\_ filed \_\_\_\_\_, for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. \_\_\_\_\_ filed \_\_\_\_\_. Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

☐ 14. Other:

☒ 15. Return Receipt Postcard (should be specifically itemized).

Michael C. Barrett

Date: May 30, 2000

5